

SO. CAL. EQUAL ACCESS GROUP  
Jason J. Kim (SBN 190246)  
Jason Yoon (SBN 306137)  
101 S. Western Ave., Second Floor  
Los Angeles, CA 90004  
Telephone: (213) 205-6560  
cm@SoCalEAG.com

Attorneys for Plaintiff  
MICHAEL RHAMBO

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

MICHAEL RHAMBO,

Plaintiff,

vs.

JAMES R. PLOTKIN, INC.; and DOES 1  
to 10,

Defendants.

**Case No.:**

COMPLAINT FOR INJUNCTIVE  
RELIEF AND DAMAGES FOR DENIAL  
OF CIVIL RIGHTS OF A DISABLED  
PERSON IN VIOLATIONS OF

1. AMERICANS WITH DISABILITIES  
ACT, 42 U.S.C. §12131 et seq.;

2. CALIFORNIA'S UNRUH CIVIL  
RIGHTS ACT;

3. CALIFORNIA'S DISABLED  
PERSONS ACT;

4. CALIFORNIA HEALTH & SAFETY  
CODE;

5. NEGLIGENCE

Plaintiff MICHAEL RHAMBO ("Plaintiff") complains of Defendants JAMES R.  
PLOTKIN, INC.; and DOES 1 to 10 ("Defendants") and alleges as follows:

**PARTIES**

1. Plaintiff is a California resident with a physical disability. Plaintiff suffers  
from paraplegia and is substantially limited in his ability to walk. Plaintiff requires the  
use of a wheelchair at all times when traveling in public.



1           9.     Venue is proper in this court pursuant to 28 USC §1391(b). The real  
2 property which is the subject of this action is located in this district, Los Angeles County,  
3 California, and that all actions complained of herein take place in this district.

4                                   **FACTUAL ALLEGATIONS**

5           10.    In or about March of 2025, Plaintiff went to the Business.

6           11.    The Business is a leather goods store business establishment, open to the  
7 public, and is a place of public accommodation that affects commerce through its  
8 operation. Defendants provide parking spaces for customers.

9           12.    While attempting to enter the Business during each visit, Plaintiff personally  
10 encountered a number of barriers that interfered with his ability to use and enjoy the  
11 goods, services, privileges, and accommodations offered at the Business.

12          13.    To the extent of Plaintiff's personal knowledge, the barriers at the Business  
13 included, but were not limited to, the following:

- 14               a.     Defendants failed to comply with the federal and state standards for  
15                      the parking space designated for persons with disabilities. Defendants  
16                      failed to provide the parking space identification sign with the  
17                      International Symbol of Accessibility.
- 18               b.     Defendants failed to comply with the federal and state standards for  
19                      the parking space designated for persons with disabilities. Defendants  
20                      failed to post required signage such as "Van Accessible," "Minimum  
21                      Fine \$250" and "Unauthorized Parking."
- 22               c.     Defendants failed to comply with the federal and state standards for  
23                      the parking space designated for persons with disabilities. Defendants  
24                      failed to provide proper van accessible space designated for the  
25                      persons with disabilities as there was no access aisle for wheelchair  
26                      drop-off.
- 27
- 28

1 d. Defendants failed to comply with the federal and state standards for  
2 the parking space designated for persons with disabilities. Defendants  
3 failed to paint the ground as required.

4 e. Defendants failed to comply with the federal and state standards for  
5 the parking space designated for persons with disabilities. Defendants  
6 failed to provide an access aisle with level surface slope.

7 14. These barriers and conditions denied Plaintiff full and equal access to the  
8 Business and caused Plaintiff difficulty and frustration. Plaintiff wishes to return and  
9 patronize the Business; however, Plaintiff is deterred from visiting the Business because  
10 his knowledge of these violations prevents him from returning until the barriers are  
11 removed.

12 15. Based on the violations, Plaintiff alleges, on information and belief, that  
13 there are additional barriers to accessibility at the Business after further site inspection.  
14 Plaintiff seeks to have all barriers related to his disability remedied. *See Doran v. 7-*  
15 *Eleven, Inc.* 524 F.3d 1034 (9<sup>th</sup> Cir. 2008).

16 16. In addition, Plaintiff alleges, on information and belief, that Defendants  
17 knew that particular barriers render the Business inaccessible, violate state and federal  
18 law, and interfere with access for the physically disabled.

19 17. At all relevant times, Defendants had and still have control and dominion  
20 over the conditions at this location and had and still have the financial resources to  
21 remove these barriers without much difficulty or expenses to make the Business  
22 accessible to the physically disabled in compliance with ADDAG and Title 24  
23 regulations. Defendants have not removed such barriers and have not modified the  
24 Business to conform to accessibility regulations.

25 **FIRST CAUSE OF ACTION**

26 **VIOLATION OF THE AMERICANS WITH DISABILITIES ACT OF 1990**

27 18. Plaintiff incorporates by reference each of the allegations in all prior  
28 paragraphs in this complaint.

1           19. Under the Americans with Disabilities Act of 1990 (“ADA”), no individual  
2 shall be discriminated against on the basis of disability in the full and equal enjoyment of  
3 the goods, services, facilities, privileges, advantages, or accommodations of any place of  
4 public accommodation by any person who owns, leases, or leases to, or operates a place  
5 of public accommodation. *See* 42 U.S.C. § 12182(a).

6           20. Discrimination, *inter alia*, includes:

- 7           a. A failure to make reasonable modification in policies, practices, or  
8 procedures, when such modifications are necessary to afford such  
9 goods, services, facilities, privileges, advantages, or accommodations  
10 to individuals with disabilities, unless the entity can demonstrate that  
11 making such modifications would fundamentally alter the nature of  
12 such goods, services, facilities, privileges, advantages, or  
13 accommodations. 42 U.S.C. § 12182(b)(2)(A)(ii).
- 14           b. A failure to take such steps as may be necessary to ensure that no  
15 individual with a disability is excluded, denied services, segregated or  
16 otherwise treated differently than other individuals because of the  
17 absence of auxiliary aids and services, unless the entity can  
18 demonstrate that taking such steps would fundamentally alter the  
19 nature of the good, service, facility, privilege, advantage, or  
20 accommodation being offered or would result in an undue burden. 42  
21 U.S.C. § 12182(b)(2)(A)(iii).
- 22           c. A failure to remove architectural barriers, and communication barriers  
23 that are structural in nature, in existing facilities, and transportation  
24 barriers in existing vehicles and rail passenger cars used by an  
25 establishment for transporting individuals (not including barriers that  
26 can only be removed through the retrofitting of vehicles or rail  
27 passenger cars by the installation of a hydraulic or other lift), where  
28 such removal is readily achievable. 42 U.S.C. § 12182(b)(2)(A)(iv).

1 d. A failure to make alterations in such a manner that, to the maximum  
2 extent feasible, the altered portions of the facility are readily  
3 accessible to and usable by individuals with disabilities, including  
4 individuals who use wheelchairs or to ensure that, to the maximum  
5 extent feasible, the path of travel to the altered area and the  
6 bathrooms, telephones, and drinking fountains serving the altered  
7 area, are readily accessible to and usable by individuals with  
8 disabilities where such alterations to the path or travel or the  
9 bathrooms, telephones, and drinking fountains serving the altered area  
10 are not disproportionate to the overall alterations in terms of cost and  
11 scope. 42 U.S.C. § 12183(a)(2).

12 21. Where parking spaces are provided, accessible parking spaces shall be  
13 provided. 1991 ADA Standards § 4.1.2(5); 2010 ADA Standards § 208. One in every  
14 eight accessible spaces, but not less than one, shall be served by an access aisle 96 in  
15 (2440 mm) wide minimum and shall be designated “van accessible.” 1991 ADA  
16 Standards § 4.1.2(5)(b). For every six or fraction of six parking spaces, at least one shall  
17 be a van accessible parking space. 2010 ADA Standards § 208.2.4.

18 22. Under the ADA, the method and color of marking are to be addressed by  
19 State or local laws or regulations. See 36 C.F.R., Part 1191. Under the California  
20 Building Code (“CBC”), the parking space identification signs shall include the  
21 International Symbol of Accessibility. Parking identification signs shall be reflectorized  
22 with a minimum area of 70 square inches. Additional language or an additional sign  
23 below the International Symbol of Accessibility shall state “Minimum Fine \$250.” A  
24 parking space identification sign shall be permanently posted immediately adjacent and  
25 visible from each parking space, shall be located with its centerline a maximum of 12  
26 inches from the centerline of the parking space and may be posted on a wall at the  
27 interior end of the parking space. See CBC § 11B-502.6, et seq.  
28

23. Moreover, an additional sign shall be posted either in a conspicuous place at each entrance to an off-street parking facility or immediately adjacent to on-site accessible parking and visible from each parking space. The additional sign shall not be less than 17 inches wide by 22 inches high. The additional sign shall clearly state in letters with a minimum height of 1 inch the following: "Unauthorized vehicles parked in designated accessible spaces not displaying distinguishing placards or special license plates issued for persons with disabilities will be towed away at the owner's expense..." See CBC § 11B-502.8, et seq.

24. Here, Defendants failed to provide the parking space identification sign with the International Symbol of Accessibility. In addition, Defendants failed to provide the signs stating, "Minimum Fine \$250" and "Van Accessible." Moreover, Defendants failed to provide the additional sign with the specific language stating "Unauthorized vehicles parked in designated accessible spaces not displaying distinguishing placards or special license plates issued for persons with disabilities will be towed away at the owner's expense..."

25. For the parking spaces, access aisles shall be marked with a blue painted borderline around their perimeter. The area within the blue borderlines shall be marked with hatched lines a maximum of 36 inches (914 mm) on center in a color contrasting with that of the aisle surface, preferably blue or white. The words "NO PARKING" shall be painted on the surface within each access aisle in white letters a minimum of 12 inches (305 mm) in height and located to be visible from the adjacent vehicular way. CBC § 11B-502.3.3.

26. Here, Defendants failed to provide a proper access aisle as there were no "NO PARKING" markings and blue hatched lines painted on the parking surface. Moreover, Defendants failed to provide the access aisle with the minimum width of 96 inches.

27. Under the 1991 Standards, parking spaces and access aisles must be level with surface slopes not exceeding 1:50 (2%) in all directions. 1991 Standards § 4.6.2.



1 Accessible parking spaces shall be at least 96 in (2440 mm) wide. Parking access aisles  
2 shall be part of an accessible route to the building or facility entrance and shall comply  
3 with 4.3. Two accessible parking spaces may share a common access aisle. Parked  
4 vehicle overhangs shall not reduce the clear width of an accessible route. Parking spaces  
5 and access aisles shall be level with surface slopes not exceeding 1:50 (2%) in all  
6 directions. 1991 Standards § 4.6.3.

7 28. Here, the access aisle is not level with the parking spaces. Under the 2010  
8 Standards, access aisles shall be at the same level as the parking spaces they serve.  
9 Changes in level are not permitted. 2010 Standards § 502.4. “Access aisles are required  
10 to be nearly level in all directions to provide a surface for transfer to and from vehicles.”  
11 2010 Standards § 502.4 Advisory. Id. No more than a 1:48 slope is permitted.

12 29. A public accommodation shall maintain in operable working condition those  
13 features of facilities and equipment that are required to be readily accessible to and usable  
14 by persons with disabilities by the Act or this part. 28 C.F.R. 35.211(a).

15 30. By failing to maintain the facility to be readily accessible and usable by  
16 Plaintiff, Defendants are in violation of Plaintiff’s rights under the ADA and its related  
17 regulations.

18 31. The Business has denied and continues to deny full and equal access to  
19 Plaintiff and to other people with disabilities. Plaintiff has been and will continue to be  
20 discriminated against due to the lack of accessible facilities, and therefore, seeks  
21 injunctive relief to alter facilities to make such facilities readily accessible to and usable  
22 by individuals with disabilities.

## 23 **SECOND CAUSE OF ACTION**

### 24 **VIOLATION OF THE UNRUH CIVIL RIGHTS ACT**

25 32. Plaintiff incorporates by reference each of the allegations in all prior  
26 paragraphs in this complaint.

27 33. California Civil Code § 51 states, “All persons within the jurisdiction of this  
28 state are free and equal, and no matter what their sex, race, color, religion, ancestry,



1 national origin, disability, medical condition, genetic information, marital status, sexual  
2 orientation, citizenship, primary language, or immigration status are entitled to the full  
3 and equal accommodations, advantages, facilities, privileges, or services in all business  
4 establishments of every kind whatsoever.”

5 34. California Civil Code § 52 states, “Whoever denies, aids or incites a denial,  
6 or make any discrimination or distinction contrary to Section 51, 51.5, or 51.6, is liable  
7 for each and every offense for the actual damages, and any amount that may be  
8 determined by a jury, or a court sitting without a jury, up to a maximum of three times the  
9 amount of actual damage but in no case less than four thousand dollars (\$4,000) and any  
10 attorney’s fees that may be determined by the court in addition thereto, suffered by any  
11 person denied the rights provided in Section 51, 51.5, or 51.6.

12 35. California Civil Code § 51(f) specifies, “a violation of the right of any  
13 individual under federal Americans with Disabilities Act of 1990 (Public Law 101-336)  
14 shall also constitute a violation of this section.”

15 36. The actions and omissions of Defendants alleged herein constitute a denial  
16 of full and equal accommodation, advantages, facilities, privileges, or services by  
17 physically disabled persons within the meaning of California Civil Code §§ 51 and 52.  
18 Defendants have discriminated against Plaintiff in violation of California Civil Code §§  
19 51 and 52.

20 37. The violations of the Unruh Civil Rights Act caused Plaintiff to experience  
21 difficulty, discomfort, or embarrassment. The Defendants are also liable for statutory  
22 damages as specified in California Civil Code §55.56(a)-(c).

23 **THIRD CAUSE OF ACTION**

24 **VIOLATION OF CALIFORNIA DISABLED PERSONS ACT**

25 38. Plaintiff incorporates by reference each of the allegations in all prior  
26 paragraphs in this complaint.

27 39. California Civil Code § 54.1(a) states, “Individuals with disabilities shall be  
28 entitled to full and equal access, as other members of the general public, to

1 accommodations, advantages, facilities, medical facilities, including hospitals, clinics,  
2 and physicians' offices, and privileges of all common carriers, airplanes, motor vehicles,  
3 railroad trains, motorbuses, streetcars, boats, or any other public conveyances or modes  
4 of transportation (whether private, public, franchised, licensed, contracted, or otherwise  
5 provided), telephone facilities, adoption agencies, private schools, hotels, loading places,  
6 places of public accommodations, amusement, or resort, and other places in which the  
7 general public is invited, subject only to the conditions and limitations established by  
8 law, or state or federal regulation, and applicable alike to all persons.

9 40. California Civil Code § 54.3(a) states, "Any person or persons, firm or  
10 corporation who denies or interferes with admittance to or enjoyment of public facilities  
11 as specified in Sections 54 and 54.1 or otherwise interferes with the rights of an  
12 individual with a disability under Sections 54, 54.1 and 54.2 is liable for each offense for  
13 the actual damages, and any amount as may be determined by a jury, or a court sitting  
14 without a jury, up to a maximum of three times the amount of actual damages but in no  
15 case less than one thousand dollars (\$1,000) and any attorney's fees that may be  
16 determined by the court in addition thereto, suffered by any person denied the rights  
17 provided in Section 54, 54.1, and 54.2.

18 41. California Civil Code § 54(d) specifies, "a violation of the right of an  
19 individual under Americans with Disabilities Act of 1990 (Public Law 101-336) also  
20 constitute a violation of this section, and nothing in this section shall be construed to limit  
21 the access of any person in violation of that act.

22 42. The actions and omissions of Defendants alleged herein constitute a denial  
23 of full and equal accommodation, advantages, and facilities by physically disabled  
24 persons within the meaning of California Civil Code § 54. Defendants have  
25 discriminated against Plaintiff in violation of California Civil Code § 54.

26 43. The violations of the California Disabled Persons Act caused Plaintiff to  
27 experience difficulty, discomfort, and embarrassment. The Defendants are also liable for  
28 statutory damages as specified in California Civil Code §55.56(a)-(c).

**FOURTH CAUSE OF ACTION**

**CALIFORNIA HEALTH & SAFETY CODE § 19955, et seq.**

44. Plaintiff incorporates by reference each of the allegations in all prior paragraphs in this complaint.

45. Plaintiff and other similar physically disabled persons who require the use of a wheelchair are unable to use public facilities on a “full and equal” basis unless each such facility is in compliance with the provisions of California Health & Safety Code § 19955 et seq. Plaintiff is a member of the public whose rights are protected by the provisions of California Health & Safety Code § 19955 et seq.

46. The purpose of California Health & Safety Code § 1995 et seq. is to ensure that public accommodations or facilities constructed in this state with private funds adhere to the provisions of Chapter 7 (commencing with Section 4450) of Division 5 of Title 1 of the Government Code. The code relating to such public accommodations also require that “when sanitary facilities are made available for the public, clients, or employees in these stations, centers, or buildings, they shall be made available for persons with disabilities.

47. Title II of the ADA holds as a “general rule” that no individual shall be discriminated against on the basis of disability in the full and equal enjoyment of goods (or use), services, facilities, privileges, and accommodations offered by any person who owns, operates, or leases a place of public accommodation. 42 U.S.C. § 12182(a). Further, each and every violation of the ADA also constitutes a separate and distinct violation of California Civil Code §§ 54(c) and 54.1(d), thus independently justifying an award of damages and injunctive relief pursuant to California law, including but not limited to Civil Code § 54.3 and Business and Professions Code § 17200, et seq.

**FIFTH CAUSE OF ACTION**

**NEGLIGENCE**

48. Plaintiff incorporates by reference each of the allegations in all prior paragraphs in this complaint.

49. Defendants have a general duty and a duty under the ADA, Unruh Civil Rights Act and California Disabled Persons Act to provide safe and accessible facilities to the Plaintiff.

50. Defendants breached their duty of care by violating the provisions of ADA, Unruh Civil Rights Act and California Disabled Persons Act.

51. As a direct and proximate result of Defendants' negligent conduct, Plaintiff has suffered damages.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully prays for relief and judgment against Defendants as follows:

1. For preliminary and permanent injunction directing Defendants to comply with the Americans with Disability Act and the Unruh Civil Rights Act;
2. Award of all appropriate damages, including but not limited to statutory damages, general damages and treble damages in amounts, according to proof;
3. Award of all reasonable restitution for Defendants' unfair competition practices;
4. Reasonable attorney's fees, litigation expenses, and costs of suit in this action;
5. Prejudgment interest pursuant to California Civil Code § 3291; and
6. Such other and further relief as the Court deems just and proper.

**DEMAND FOR TRIAL BY JURY**

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff hereby demands a trial by jury on all issues so triable.

Dated: June 23, 2025

SO. CAL. EQUAL ACCESS GROUP

By: /s/ Jason J. Kim  
Jason J. Kim, Esq.  
Attorneys for Plaintiff